

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division -Yeleswaram Mandal, Kambalapalem Village, - Land acquired under Award No.26/88,dated.9.12.88 for YRP - Land value enhanced in O.P.No. 339/90 - Appeal filed in A.S.No.1095/2000 -Appeal dismissed - Sanction of full / final decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 699

Date:9.9.2009

Read the following

1. From the Collector & District Magistrate,East Godavari District, Ir.No. G1/1565/2009,dated. 16.6.2009.
2. From the Chief Commissioner of Land Administration,A.P, Hyderabad, letter No.SPR3/550/ 2009, dated.15.7.2009.

@@@

ORDER:-

In the references read above, it has been reported that an extent of Ac.41.56 cts of G.wet/G.Dry lands in S.No.570/1 etc., situated in Kambalapalem Village of Yeleswaram Mandal, were acquired under Award No. 26/88 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 9.12.88 duly fixing the land value @ Rs.20,640/-, Rs.18,000/-, 12,000/-, 5,160/- and 4,300/- per acre to different categories of land. At the request of the aggrieved land owner covered with an extent of Ac.0.68 cts for which the LAO has fixed the land value at Rs.20,640/- per acre, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Senior Civil Judge Court, Peddapuram after considering the reference pronounced decree and judgement in O.P.No.339/90, dated.10.8.1999. The Lower Court have enhanced the land value from Rs.20,640/- to Rs.55,000/- per acre.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the judgment in O.P.No.339/90. The Hon'ble High Court in A.S.No.1095/2000, dt.15.10.2008 dismissed the appeal following the judgment in A.S.No.2127/2002 and further ordered that the claimants are entitled to all statutory benefits as per the Amended L.A Act 68/1984 and in the light of the judgment reported in AIR 2001 SC 3516.

3. The Collector & District Magistrate, East Godavari has requested the the Government to sanction and release an amount of Rs.1,37,441/- towards entire decretal amount to comply with the orders of Hon'ble in A.S.No.1095/2000 filed against O.P.No.339/90. The Chief Commissioner of Land Administration A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs.1,37,413/- (Rupees One lakh Thirty Seven thousand Four hundred and Thirteen only) towards final / entire decretal amount to comply with the orders of Hon'ble High Court in A.S.No.1095/2000 filed against O.P.No.339/90., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was

(P.T.O)

made contrary to the rules / guidelines issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.339/90, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.3304/F.7(A1)/09-1, dt.25.8.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector, East Godavari, Kakinada.

The Spl. Chief Secretary to Govt & CCLA., A.P., Hyderabad.

The Engineer-in-Chief(Irr), Errumanzil, Hyderabad.

The Revenue Divisional Officer, Peddapuram, E.G. Dist.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department

Stock File / Spare copies

In the file C.No.18551/L.A.I(A2)/2009

//FORWARDED :: BY ORDER//

SECTION OFFICER